

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

RECEIVED
CENTRAL FAX CENTER

MAR 08 2005

Christine E.M. Orich2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, IN 46204
Direct Dial: (317) 684-5414
Fax: (317) 223-0414
E-Mail: COrich@boselaw.com**FAX TRANSMITTAL SHEET**Date/Time: March 8, 2005

CONFIDENTIALITY NOTICE: The materials enclosed with this facsimile transmission are private and confidential and are the property of the sender. The information contained in the material is privileged and is intended only for the use of the individual(s) or entity(ies) named below. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile transmission in error, please immediately notify us by telephone to arrange for return of the forwarded documents to us.

TO
Examiner Robert G. Santos
Art Unit 3673FAX NO.
(703) 872-9306

User Number: 872 Client #: 8266 Matter #: 0880

Total number of pages transmitted including cover sheet: 3**Comments:****MAIL STOP AMENDMENT**Faxed: 08 March 2005
Applicant: Menkedick, et al.
Serial No.: 10/657,696
Title: HOSPITAL BED
Filed: September 8, 2003
Atty. No.: 8266-0880☒ Response to Restriction Requirement.The stamp of the Patent and Trademark Office hereon indicates receipt of the above-identified documents.
CMO:nmc

If you experience any problems in receiving any of these pages, please call the Copy Center as soon as possible at (317) 684-5144. Thank you.

Operator Initials:

Downtown • 2700 First Indiana Plaza • 135 North Pennsylvania Street • Indianapolis, Indiana 46204 • (317) 684-5000 • FAX (317) 684-5173

North Office • 600 E. 96th Street • Suite 500 • Indianapolis, Indiana 46240 • (317) 684-5300 • FAX (317) 684-5316

PAGE 1/3 * RCVD AT 3/8/2005 3:43:35 PM [Eastern Standard Time] * SVR:USPTO-EFAX-1/3 * DNIS:8729306 * CSID:+3176845173 * DURATION (mm-ss):01-00

BOSE McKINNEY & EVANS LLP**CUSTOMER NUMBER 25267**2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5000**PATENT APPLICATION****RECEIVED
CENTRAL FAX CENTER****MAR 08 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group: 3673
Atty. Docket: 8266-0880
Applicants: Menkedick et al.
Invention: HOSPITAL BED
Serial No.: 10/657,696
Filed: September 8, 2003
Examiner: Santos, Robert G.

Certificate Under 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being transmitted to (703) 872-9306 at the United States Patent and Trademark Office at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on 08 March 2005
Brenda VandeverDated: 08 March 2005**RESPONSE TO RESTRICTION REQUIREMENT**

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement in the Office Action mailed February 8, 2005, Applicants respectfully disagree with the Examiner's conclusion that groups I-IV as identified by the Examiner are "unrelated." Pursuant to MPEP § 806.04, as restated by the Examiner in paragraph 2-7 of the Office Action, two or more inventions are independent if they are "not disclosed as capable of use together" and have "different modes of operation." (MPEP § 806.04 at p. 800-39)(Aug. 2001). Applicants have carefully reviewed the disclosure and have found nothing in the disclosure to indicate that the asserted Inventions I-IV are not capable of use together. In fact, the present application discloses that the features identified by the Examiner in group I-IV are capable of use together. For example, some or all of these features may be included in the same patient support apparatus. See, for example, Figs. 1, 3-7, and 11-12, and accompanying disclosure at pp. 15-16 and 36-37. According to the disclosure, in one embodiment,

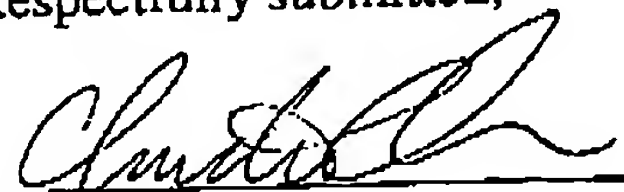
"patient support 10 includes...a base frame...an intermediate frame 32, a pair of lift arms configured to raise and lower intermediate frame 32 relative to base frame 28, ...a head section 38 pivotably coupled to weigh frame 32, a seat section 40 pivotably coupled to weigh frame 32, and an adjustable length leg or foot section 42 pivotably coupled to seat section 40." (Specification, p. 15, line 30 – p. 16, line 9).

Therefore, Applicants respectfully request reconsideration of the restriction requirement by the Examiner. If the Examiner should disagree with the Applicants' position, Applicants kindly ask the Examiner to point out with particularity where in the specification the Examiner's position is supported.

Accordingly, in order to satisfy the requirements of 37 C.F.R. § 1.143, Applicants hereby provisionally elect, with traverse, the claims of Invention I, i.e. claims 1-22, without acquiescing in the Examiner's determination of separate inventions. Applicants reserve the right to file one or more divisional applications on the non-elected claims with the understanding that such claims filed in any such divisional application(s) will not be subject to a double-patenting rejection.

The Examiner is invited to contact the undersigned at the telephone number provided below if any question or comment should arise during consideration of this matter.

Respectfully submitted,



Christine M. Orich
Reg. No. 44,987

Indianapolis, Indiana
(317) 684-5000
605058_1